

## REMARKS

### I. General Remarks

This Application has been carefully reviewed in light of the Final Office Action mailed June 25, 2007 and further in light of the Advisory Action mailed September 14, 2007. Applicant hereby requests continued examination of this application in accordance with 37 C.F.R. § 1.114. Applicant thanks the Examiner for his careful consideration of this application. Applicant respectfully requests consideration of the claims in light of the remarks contained herein.

### II. Disposition of the Claims

At the time of the Final Office Action, Claims 1-37, 51 and 52 were pending in this Application. All pending Claims 1-37, 51 and 52 were rejected. Claims 38-50 were previously cancelled without prejudice or disclaimer. Claim 1 has been amended as suggested by the Examiner during a telephone interview on September 26, 2007 (discussed below) to advance prosecution of this Application. Claims 51 and 52 have been cancelled. In addition, New Claims 53 and 54 have been added. Applicants respectfully request reconsideration and favorable action in this case.

### III. Summary of Telephone Interview

Attorney for Applicants, Mr. Brad Bowling, conducted a telephone interview with Examiner Ramy M. Osman on September 26, 2007. First, Applicants wish to thank Examiner Ramy for his time and consideration during the telephone interview. Pursuant to M.P.E.P. § 713.04, Applicants submit this summary to record Applicants' understanding of the substance of the interview. If Applicants' understanding is inaccurate, notice of such is appreciated.

During the interview, the patentability of Claim 1 was discussed in light of the rejections under 35 U.S.C. § 102(e) based on *Sheth* (US 7,069,242). Several issues were discussed.

Applicants' Attorney argued that *Sheth* does not teach all of the limitations of Claim 1, including ". . . the personal base instance is configured to . . . communicate with at least one third party through the personal base server; and communicate with the user without the communication involving the personal base server," at least because *Sheth* does not teach the above referenced type of communication. (e.g., Fig. 1 and Fig. 2 of *Sheth* show that the buyer

communicates with the project generated on the application through the web server). The Examiner maintained that the project generated on the application by a buyer is read to be the Applicants "instance," but agreed that the buyer in *Sheth* communicates with the project through the web server. Thus, the Examiner agreed that *Sheth* does not teach at least "the personal base instance is configured to . . . communicate with the user without the communication involving the personal base server."

However, the Examiner suggested amending Claim 1 to clarify the above referenced distinction whereupon the Applicant suggested the included amendments. The Examiner indicated that such amendment would render Claim 1 allowable over at least the cited references. Although Applicants believe Claim 1 is allowable in its current form, Applicants have amended Claim 1 as suggested by the Examiner to advance prosecution of this Application. In particular, Applicants have amended Claim to recite "wherein[ ] the user does not communicate with the personal base server," which limitation the Examiner acknowledges is not taught by the *Sheth* reference. The Examiner indicated that such amendment would render Claim 1 allowable over the cited references. Nonetheless, the Examiner indicated some additional concerns that the Applicant will address below.

#### **IV. Remarks Regarding Rejections under 35 U.S.C. § 102**

Claims 1-37, 51 and 52 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by *Sheth*. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. §2131.

Applicant respectfully traverses and submits the cited reference does not disclose, teach, or suggest, either expressly or inherently, each and every element of Claim 1. For example, *Sheth* does not disclose, teach, or suggest at least the following:

the personal base instance is configured to:

communicate with the personal base server;

communicate with a plurality of third parties; and

communicate with the user;

wherein:

the personal base instance is configured to communicate with the plurality of third parties through the personal base server; and

*the user does not communicate with the personal base server.*

Instead, *Sheth* discloses a buyer that generates a request for a project on an application by communicating through the web server. *Sheth*, fig. 2; col. 4, lines 19-24; col. 7, lines 26-32. In fact, *Sheth* does not even mention that the user can communicate with the project without the communication involving the web server. Because *Sheth* fails to disclose, teach, or suggest at least these limitations, Applicant respectfully submits that Claim 1 and its dependents are allowable. Accordingly, Applicant respectfully requests reconsideration and allowance of independent Claim 1 and its dependents.

The Examiner also indicated some concern that prior art related to portals may anticipate the claim. The Applicant respectfully submits that the Response Accompanying RCE submitted on September 8, 2006, ("RCE"), sufficiently amended the claim to overcome the rejection of prior art related to portals in *Fabri*. See Office Action mailed November 15, 2006, page 2. Those amendments are still present in the independent Claim 1. Therefore, because the Examiner previously found that the amendments were sufficient to overcome the prior art related to portals in *Fabri*, the Examiner should find that Claim 1 and its dependents are still allowable over that type of art.

Thus, for at least these reasons, Applicant respectfully requests reconsideration and allowance of amended independent Claim 1, together with Claims 2-5, 8-10, 12-14, 33, 36, and 37 that depend therefrom.

#### **V. Remarks Regarding Rejections under 35 U.S.C. §103**

Claims 11, 15-26 and 32 were rejected under 35 U.S.C. 102(e) as being unpatentable over *Sheth* in combination with knowledge generally available and well-known in the art. Claim 35 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Sheth* in view of U.S. Patent No. 6,567,784 issued to Bukow ("*Bukow*"). Claims 6, 7, 27-30 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Sheth* in view of U.S. Patent No. 6,076,166 issued to Moshfeghi ("*Moshfeghi*"). Applicant respectfully traverses and submits

the cited art combinations, even if proper, which Applicant does not concede, do not render the claimed embodiment of the invention obvious.

As discussed above, Applicant has amended Claim 1 as suggested by the Examiner to clarify the distinctions of the present invention from the prior art of *Sheth*, which according to the Examiner is not taught in the prior art of *Sheth*. The Examiner indicated that such amendment would render Claim 1 allowable over the cited references. Applicant has so modified the limitation of Claim 1 (“wherein the personal base instance is configured to communicate with the user . . . wherein[ ] the user does not communicate with the personal base server”), which Applicant has added to Claim 1 in this response.

Each of Claims 11, 15-26, 32, 35, 6, 7, 27-30, and 34 depend from and thus have the limitations of independent Claim 1. As discussed above, independent Claim 1 in its amended form, overcomes the cited prior art. Thus, for at least these reasons, Applicant respectfully requests reconsideration and allowance of each of Claims 11, 15-26, 32, 35, 6, 7, 27-30, and 34 that depend from independent Claim 1.

#### **VI. New Claims 53-54 are Allowable**

Applicant submits that new Claims 53-54 are allowable over the cited references at least because Claims 53-54 recite similar limitations as discussed in independent Claim 1 which is not disclosed in the cited references. For example, regarding Claim 53 and 54, the cited references fail to teach or suggest “wherein the personal base instance is configured to communicate with the user . . . wherein[ ] the user does not communicate with the personal base server.”

For at least these reasons, Applicant requests consideration and allowance of new Claims 53-54.

#### **VII. No Waiver**

All of Applicant’s arguments and amendments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner’s additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art.

### CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of Claims 1-37, 53, and 54 as amended.

Applicant hereby petitions under the provisions of 37 C.F.R. § 1.136(a) for a one-month extension of time to this Response. The Commissioner is hereby authorized to charge \$405.00 (SMALL ENTITY) + a two-month extension fee \$230.00 to Deposit Account No. 02-0383 of Baker Botts L.L.P, Order Number 068508.0102, to satisfy the Request for Continued Examination fee of 37 C.F.R. §1.17(e). Applicants believe there are no additional fees due at this time; however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 02.0383 of Baker Botts L.L.P, Order Number 068508.0102.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 713.229.1802.

Respectfully submitted,

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